

AMENDED IN SENATE JUNE 2, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2768

**Introduced by Committee on Utilities and Commerce (~~Fuentes~~
~~Bradford~~ (Chair), ~~Smyth~~ (Vice Chair) ~~Knight~~ (Vice Chair),
~~Tom Berryhill~~, Buchanan, Carter, Fletcher, Fong, ~~Fuentes~~, Fuller,
Furutani, Huffman, ~~Ma~~, Skinner, Swanson, ~~Torrico~~, and Villines)**

February 25, 2010

An act to amend Sections 530, 534, 667, 669, 738, 4186, 5073.5, 5080.20, 5096.208, 5096.262, 6308, 6462, 7054, 7555, 9106, 13115, 22024, 25212, 25217.5, 31102, 32050, and 32054 of the Public Resources Code, *to repeal Section 389 of the Public Utilities Code*, and to amend Section 1803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2768, as amended, Committee on Utilities and Commerce. Vehicles: charter-party carriers: busdrivers.

Existing law requires the clerk of a court in which a person was convicted of specified violations to prepare and forward to the Department of Motor Vehicles an abstract of record of the court covering the case in which the person was convicted.

This bill would additionally require the clerk of the court to prepare and forward to the department an abstract of record of the court covering the case in which a person was convicted of driving a bus for a charter-party carrier without having a current and valid driver's license of the proper class, a passenger vehicle endorsement, or the required certificate.

Existing law establishes in the Public Resources Code various boards, commissions, and committees regarding, among other things, energy conservation, state parks, and state lands.

This bill would make technical, nonsubstantive changes to those provisions by replacing the term “chairman” with the gender neutral term “chair.”

Existing law requires the Secretary of the California Environmental Protection Agency, prior to March 31, 1997, to submit a report to the Legislature on public policy strategies that address the feasibility of shifting costs from electric utility ratepayers, in whole or in part, to other classes of beneficiaries. Existing law requires the secretary, on or before March 31 of each year from 1999 to 2001, inclusive, to submit to the Legislature an annual report on the existence, status, and progress of any public policy measures for cost-shifting.

This bill would repeal those obsolete reporting provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 530 of the Public Resources Code is
2 amended to read:

3 530. There is in the department the State Park and Recreation
4 Commission consisting of nine members appointed by the
5 Governor, subject to confirmation by the Senate. Whenever a
6 reference is made to the State Park Commission or Recreation
7 Commission pertaining to a duty, power, purpose, responsibility,
8 or jurisdiction of the State Park Commission or the Recreation
9 Commission, it shall be deemed to be a reference to and to mean
10 the State Park and Recreation Commission.

11 The commission chair may appoint committees composed of
12 commission members and the duties of the committees shall
13 include, but not be limited to, those duties set forth in Sections
14 539 and 540. Findings and recommendations of the committees
15 shall be presented to the commission for consideration and action.

16 SEC. 2. Section 534 of the Public Resources Code is amended
17 to read:

18 534. The commission shall elect a chair from its number who
19 shall serve as chair for one year and until a successor is elected.

1 SEC. 3. Section 667 of the Public Resources Code is amended
2 to read:

3 667. Each member of the board shall receive one hundred
4 dollars (\$100) for each day during which the member is engaged
5 in the performance of official duties. The compensation of each
6 member, except the compensation of the chair, shall not, however,
7 exceed in any one fiscal year the sum of four thousand dollars
8 (\$4,000). The chair of the board may receive compensation of not
9 to exceed five thousand dollars (\$5,000) in any one fiscal year for
10 the performance of official duties. In addition to the compensation,
11 each member shall be reimbursed for necessary traveling and other
12 expenses incurred in the performance of official duties.

13 SEC. 4. Section 669 of the Public Resources Code is amended
14 to read:

15 669. The Governor shall designate the chair of the board from
16 among the members of the board. The person designated as the
17 chair shall hold the office at the pleasure of the Governor. The
18 board shall annually elect a vice chair from among its members.

19 SEC. 5. Section 738 of the Public Resources Code is amended
20 to read:

21 738. The Governor shall designate the chair of the board from
22 among the members of the board. The person designated as the
23 chair shall hold the office at the pleasure of the Governor. The
24 board shall annually elect a vice chair from among its members.

25 SEC. 6. Section 4186 of the Public Resources Code is amended
26 to read:

27 4186. All money that is received by the state pursuant to the
28 federal Clarke-McNary Act and that is regularly allotted by the
29 federal government according to an annual formula shall be paid
30 into the General Fund. Any supplemental money received from
31 the federal government pursuant to the federal Clarke-McNary
32 Act for use by the department for specially designated projects
33 shall be authorized by the Director of Finance for augmentation
34 of the subitem captioned "Reimbursements" of the principal item
35 of appropriation from the General Fund for the support of the
36 department contained in the Budget Act for the fiscal year during
37 which the supplemental money is received. However, the Director
38 of Finance shall not authorize the augmentation sooner than 30
39 days after notification in writing of the necessity for the
40 augmentation to the chair of the committee in each house which

1 considers appropriations and to the Chair of the Joint Legislative
2 Budget Committee or sooner than any lesser time which the chair
3 of that committee, or the chair's designee, may in each instance
4 determine.

5 SEC. 7. Section 5073.5 of the Public Resources Code is
6 amended to read:

7 5073.5. The Governor shall establish a California Recreational
8 Trails Committee to advise the director in the development and
9 coordination of the system. The committee shall consist of seven
10 members appointed by the Governor. Two members shall be
11 selected from the northern, two members from the southern, and
12 two members from the central portions of the state, and one
13 member shall be selected at large. Members shall be selected from
14 lists submitted by private organizations that have a demonstrated
15 interest in the establishment of recreation trails. The chair of the
16 committee shall be elected by the members from their membership.

17 SEC. 8. Section 5080.20 of the Public Resources Code is
18 amended to read:

19 5080.20. A contract, including a contract entered into on lands
20 operated pursuant to an agreement entered into under Article 2
21 (commencing with Section 5080.30), that is expected to involve
22 a total investment or estimated annual gross sales in excess of five
23 hundred thousand dollars (\$500,000), shall not be advertised for
24 bid, negotiated, renegotiated, or amended in any material respect
25 unless and until all of the following requirements have been
26 complied with:

27 (a) The commission has reviewed the proposed services,
28 facilities, and location of the concession and determined that they
29 meet the requirements of Sections 5001.9 and 5080.03 and are
30 compatible with the classification of the unit in which the
31 concession will be operated.

32 (b) The Legislature has reviewed and approved the proposed
33 concession as part of the annual budget process or the requirements
34 of subdivision (c) have been complied with. A proposed concession
35 shall not be submitted for review by the Legislature until the
36 commission has made its determination pursuant to subdivision
37 (a), unless deferring review by the Legislature would be adverse
38 to the interests of the public, in which case the Legislature's review
39 may precede the commission's determination.

1 (c) Following enactment of the Budget Bill, the board has
2 determined that the proposed concession could not have been
3 presented to the Legislature for review and approval in the course
4 of its consideration of the Budget Bill, or the proposed concession
5 was reviewed and approved but it is necessary to revise the terms
6 of the invitation to bid or the contract in a material respect, and
7 that it would be adverse to the interests of the public to defer that
8 review and approval to a time when the Legislature next considers
9 a Budget Bill. Upon making that determination, the board may
10 review and approve the proposed concession, or any revision
11 thereof, after giving at least 20 days' written notice to the Chair
12 of the Joint Legislative Budget Committee and to the chair of the
13 fiscal and appropriate policy committees of its intended action.
14 All actions taken by the board pursuant to this subdivision shall
15 be reported to the Legislature in the next Governor's Budget.

16 (d) The proposed concession is accompanied with
17 documentation sufficient to enable the Legislature, the commission,
18 and the board, as the case may be, to ascertain whether the
19 concession will conform to the requirements of this article and, as
20 to the Legislature and the board, to evaluate fully all terms on
21 which the concession is proposed to be let, including the rent and
22 other returns anticipated to be received.

23 SEC. 9. Section 5096.208 of the Public Resources Code is
24 amended to read:

25 5096.208. For the purpose of authorizing the issuance and sale,
26 pursuant to the State General Obligation Bond Law, of the bonds
27 authorized by this chapter, the Parklands Program Finance
28 Committee is hereby created. The committee consists of the
29 Governor, the Controller, the Director of Finance, the Treasurer,
30 and the Secretary of the Natural Resources Agency. For the
31 purposes of this chapter, the Parklands Program Finance Committee
32 shall be "the committee" as that term is used in the State General
33 Obligation Bond Law, and the State Treasurer shall serve as chair
34 of the committee. The Secretary of the Natural Resources Agency
35 is hereby designated as "the board" for the purposes of the State
36 General Obligation Bond Law.

37 SEC. 10. Section 5096.262 of the Public Resources Code is
38 amended to read:

39 5096.262. For the purpose of authorizing the issuance and sale,
40 pursuant to the State General Obligation Bond Law, of the bonds

1 authorized by this chapter, the Parklands Program Finance
2 Committee is hereby created. The committee consists of the
3 Governor, the Controller, the Director of Finance, the Treasurer,
4 and the Secretary of the Natural Resources Agency. For the
5 purposes of this chapter, the Parklands Program Finance Committee
6 shall be “the committee” as that term is used in the State General
7 Obligation Bond Law, and the Treasurer shall serve as chair of the
8 committee. The Secretary of the Natural Resources Agency is
9 hereby designated as “the board” for the purposes of the State
10 General Obligation Bond Law.

11 SEC. 11. Section 6308 of the Public Resources Code is
12 amended to read:

13 6308. When an action or proceeding is commenced by or
14 against a county, city, or other political subdivision or agency of
15 the state involving the title to or the boundaries of tidelands or
16 submerged lands that have been or may hereafter be granted to it
17 in trust by the Legislature, the State of California shall be joined
18 as a necessary party defendant in the action or proceeding. Service
19 of summons shall be made upon the chair of the State Lands
20 Commission and upon the Attorney General, and the Attorney
21 General shall represent the state in all the actions or proceedings.
22 If judgment is given against the state in the action or proceeding,
23 costs shall not be recovered from the state.

24 SEC. 12. Section 6462 of the Public Resources Code is
25 amended to read:

26 6462. Service of summons in a suit shall be upon the chair of
27 the State Lands Commission and the Attorney General and it shall
28 be the duty of the Attorney General to represent the state in the
29 suit.

30 SEC. 13. Section 7054 of the Public Resources Code is
31 amended to read:

32 7054. An order to lease made by the governing body shall
33 authorize and direct the execution and delivery by the chair or
34 other presiding officer of a lease to the lessee.

35 SEC. 14. Section 7555 of the Public Resources Code is
36 amended to read:

37 7555. In a case where the state has sold lands acquired by it as
38 swamp and overflowed lands, the person claiming or derailing
39 title to any lands through or under a purchase thereof from the
40 state may bring suit against the state in a court of competent

1 jurisdiction of the state to establish the boundaries of, and to quiet
2 title to, the land or a portion thereof, and may prosecute the suit
3 to final judgment. The complaint in the action shall contain a plat
4 of the property described therein, which plat shall show the location
5 of the property in respect to a section corner, the location of which
6 is shown on an approved United States Government township plat,
7 or in respect to a monument that has been established by reference
8 to a section corner.

9 Service of summons in the suits shall be made upon the chair of
10 the State Lands Commission and upon the Attorney General, and
11 the Attorney General shall represent the state in the suits.

12 Costs against the state shall not be allowed in the suit.

13 SEC. 15. Section 9106 of the Public Resources Code is
14 amended to read:

15 9106. The commission shall elect a chair from its number who
16 shall serve as chair for one year and until the chair's successor is
17 elected.

18 SEC. 16. Section 13115 of the Public Resources Code is
19 amended to read:

20 13115. The bonds shall be signed by the chair of the board and
21 countersigned by the clerk of the board or the clerk's deputy and
22 the coupons shall be signed by the clerk of the board or the clerk's
23 deputy. All signatures, except that of the clerk, on the bonds may
24 be printed, lithographed, or engraved. If an officer whose signature
25 appears on the bonds or coupons ceases to be an officer before the
26 delivery of the bonds, the signature is as effective as if the officer
27 had remained in office. All bonds shall be payable at the office of
28 the county treasurer, who is the depositary of the district.

29 SEC. 17. Section 22024 of the Public Resources Code is
30 amended to read:

31 22024. The commission shall select from among its members
32 a chair and a vice chair.

33 SEC. 18. Section 25212 of the Public Resources Code is
34 amended to read:

35 25212. Every two years the Governor shall designate a chair
36 and vice chair of the commission from among its members.

37 SEC. 19. Section 25217.5 of the Public Resources Code is
38 amended to read:

39 25217.5. The chair of the commission shall direct the adviser,
40 the executive director, and other staff in the performance of their

1 duties in conformance with the policies and guidelines established
2 by the commission.

3 SEC. 20. Section 31102 of the Public Resources Code is
4 amended to read:

5 31102. The Secretary of the Natural Resources Agency shall
6 select one of the public members to serve as the chair of the
7 conservancy. The public member shall serve as chair at the pleasure
8 of the secretary. A majority of the total authorized membership of
9 the conservancy shall constitute a quorum for the transaction of
10 any business under this division. The conservancy shall adopt its
11 own regulations.

12 SEC. 21. Section 32050 of the Public Resources Code is
13 amended to read:

14 32050. (a) There is in state government the California Urban
15 Waterfront Area Restoration Financing Authority. The authority
16 constitutes a public instrumentality and a political subdivision of
17 the state, and the exercise by the authority of powers conferred by
18 this division is the performance of an essential public function.

19 (b) The authority shall consist of five members, the Director of
20 Finance, the Controller, the Treasurer, the Secretary of the Natural
21 Resources Agency, and the executive director of the conservancy.
22 The Treasurer shall serve as chair of the authority.

23 (c) Each of the members of the authority may select a designee
24 from the member's agency to act for the member and represent
25 the member at all meetings of the authority.

26 (d) The first meeting of the authority shall be convened by the
27 Treasurer.

28 SEC. 22. Section 32054 of the Public Resources Code is
29 amended to read:

30 32054. The chair shall appoint an executive director who shall
31 not be a member of the authority and who shall serve at the
32 pleasure of the authority and shall employ the staff of the
33 conservancy and other necessary persons to enable the authority
34 to properly perform the duties imposed upon it by this division.
35 The executive director shall receive compensation as fixed by the
36 authority. The authority may delegate to the executive director the
37 power to enter contracts on behalf of the authority.

38 *SEC. 23. Section 389 of the Public Utilities Code is repealed.*

39 ~~389. (a) The Secretary of the California Environmental~~
40 ~~Protection Agency, in consultation with interested stakeholders~~

1 including relevant state and federal agencies, boards, and
2 commissions, shall evaluate and recommend to the Legislature
3 public policy strategies that address the feasibility of shifting costs
4 from electric utility ratepayers, in whole or in part, to other classes
5 of beneficiaries. This evaluation also shall address the
6 quantification of benefits attributable to the solid-fuel biomass
7 industry and implementation requirements, including statutory
8 amendments and transition period issues that may be relevant, to
9 bring about equitable and effective allocation of solid-fuel biomass
10 electricity costs that ensure the retention of the economic and
11 environmental benefits of the biomass industry while promoting
12 measurable reduction in real costs to ratepayers. This evaluation
13 shall be in coordination with the California Energy Resources
14 Conservation and Development Commission's efforts pursuant to
15 subdivision (b) of Section 383, addressing renewable policy
16 implementation issues. The Secretary of the California
17 Environmental Protection Agency shall submit a final report to
18 the Legislature, using existing agency resources, prior to March
19 31, 1997.

20 (b) The Secretary of the California Environmental Protection
21 Agency, in consultation with relevant state and federal agencies,
22 boards, and commissions, and with representatives of the solid-fuel
23 biomass industry, shall prepare and submit to the Legislature an
24 annual report on the existence, status, and progress of any public
25 policy measures for cost-shifting developed as a result of the
26 recommendations made pursuant to subdivision (a), on or before
27 March 31 of each year from 1999 to 2001, inclusive. A report
28 prepared pursuant to this subdivision shall not exceed 10 pages.

29 SEC. 23.

30 SEC. 24. Section 1803 of the Vehicle Code is amended to read:

31 1803. (a) (1) The clerk of a court in which a person was
32 convicted of a violation of this code, was convicted of a violation
33 of subdivision (a), (b), (c), (d), (e), or (f) of Section 655 of the
34 Harbors and Navigation Code pertaining to a mechanically
35 propelled vessel but not to manipulating any water skis, an
36 aquaplane, or similar device, was convicted of a violation of
37 Section 655.2, 655.6, 658, or 658.5 of the Harbors and Navigation
38 Code, a violation of subdivision (a) of Section 192.5 of the Penal
39 Code, or a violation of subdivision (b) of Section 5387 of the Public
40 Utilities Code, was convicted of an offense involving use or

1 possession of controlled substances under Division 10
2 (commencing with Section 11000) of the Health and Safety Code,
3 was convicted of a felony offense when a commercial motor
4 vehicle, as defined in subdivision (b) of Section 15210, was
5 involved in or incidental to the commission of the offense, or was
6 convicted of a violation of any other statute relating to the safe
7 operation of vehicles, shall prepare within five days after conviction
8 and immediately forward to the department at its office at
9 Sacramento an abstract of the record of the court covering the case
10 in which the person was so convicted. If sentencing is not
11 pronounced in conjunction with the conviction, the abstract shall
12 be forwarded to the department within five days after sentencing
13 and the abstract shall be certified by the person so required to
14 prepare it to be true and correct.

15 (2) For the purposes of this section, a forfeiture of bail shall be
16 equivalent to a conviction.

17 (b) The following violations are not required to be reported
18 under subdivision (a):

19 (1) Division 3.5 (commencing with Section 9840).

20 (2) Section 21113, with respect to parking violations.

21 (3) Chapter 9 (commencing with Section 22500) of Division
22 11, except Section 22526.

23 (4) Division 12 (commencing with Section 24000), except
24 Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103,
25 26707, 27151, 27315, 27360, 27800, and 27801 and Chapter 3
26 (commencing with Section 26301).

27 (5) Division 15 (commencing with Section 35000), except
28 Chapter 5 (commencing with Section 35550).

29 (6) Violations for which a person was cited as a pedestrian or
30 while operating a bicycle or a motorized scooter.

31 (7) Division 16.5 (commencing with Section 38000), except
32 Sections 38301, 38301.3, 38301.5, 38304.1, and 38504.1.

33 (8) Subdivision (b) of Section 23221, subdivision (b) of Section
34 23223, subdivision (b) of Section 23225, and subdivision (b) of
35 Section 23226.

36 (c) If the court impounds a license or orders a person to limit
37 his or her driving pursuant to subdivision (d) of Section 40508,
38 the court shall notify the department concerning the impoundment
39 or limitation on an abstract prepared pursuant to subdivision (a)
40 of this section or on a separate abstract, that shall be prepared

1 within five days after the impoundment or limitation was ordered
2 and immediately forwarded to the department at its office in
3 Sacramento.

4 (d) If the court determines that a prior judgment of conviction
5 of a violation of Section 23152 or 23153 is valid or is invalid on
6 constitutional grounds pursuant to Section 41403, the clerk of the
7 court in which the determination is made shall prepare an abstract
8 of that determination and forward it to the department in the same
9 manner as an abstract of record pursuant to subdivision (a).

10 (e) Within five days of an order terminating or revoking
11 probation under Section 23602, the clerk of the court in which the
12 order terminating or revoking probation was entered shall prepare
13 and immediately forward to the department at its office in
14 Sacramento an abstract of the record of the court order terminating
15 or revoking probation and any other order of the court to the
16 department required by law.